

Betty Camargo

W-02824A-07-0388



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From: Jimmy Stoner [jimmys@cableone.net]

Sent: Tuesday, April 08, 2008 7:27 AM

To: Mayes-WebEmail; Mundell-Web; Hatch-WebEmail; Pierce-Web; Gleason-WebEmail

Cc: Chris Stoner; Jimmy Stoner

Subject: Re: Docket No. W-02824A-07-0388

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AZ CORP COMMISSION
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Docket No. W-02824A-07-0388

ICR Water Users Association, Inc.

Re: Talking Rock Golf Course, LLC, ("TR Golf") Application for Leave to Intervene

Commissioners Mayes, Mundell, Hatch-Miller, Pierce and Chairman Gleason,

It has been brought to our attention the firm of Pennmore Craig, attorney Jay L. Shapiro, had submitted on 3 April, 2008, an application for leave to intervene in behalf of Talking Rock Golf Course, LLC, ("TR Golf") in the current rate case before the ACC. On careful review of the application one is lead to believe that TR Golf's interests were not being represented in this matter. The points supporting this application for intervention present similar arguments to those contained in the rebuttal testimony of Robert M Bush and the exhibits he provided to the commission on 14 March, 2008. It is our opinion that Mr. Bush's testimony was certainly more favorable to TR Golf's interests than the interests of the shareholders of the ICR Water Users Association ("ICR").

The ICR Board of Directors, and Harvard, TR Golf, created an amended Main Extension Agreement and amended Well Agreement, dated 25 February, 2003, which are contrary to the policy decision contained in ACC Decision 64360, dated 15 January, 2002. Their attorney of record on these instruments was Mr. Jay L. Shapiro. They cannot point to an ACC hearing which approved these instruments to be in compliance with Decision 64360. They in fact, submitted these documents purported to be in compliance with Decision 64360, or why would they have filed them? The testimony of your staff and Mr. Dayne Taylor clearly identifies the issues.

As shareholders in ICR, we believe this request for intervention is extremely late and would clearly result in much greater legal expense to the shareholders of ICR. Granting intervention status would certainly prolong the decisions in this case.

We request you deny their application for leave to intervene. One might wonder why Mr. Jay L. Shapiro aided the parties in crafting and executing agreements which were contrary to ACC Policy Directives contained in Decision 64360?

We want to thank you for your continued efforts in behalf of the ICR shareholders and rate payers, and providing us an opportunity to be heard in this matter.

Chris and Jimmy Stoner
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Arizona Corporation Commission
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